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November 9, 2007

Hon. Kenneth M. Karas
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

BY ECF

RE: United States v. Shyne, et. al., including Roberto Montgomery, 05 Cr 1067 (KMK)

Your Honor:

I am writing to join, on behalf of my client ROBERTO MONTGOMERY, in the Motion made pursuant to Rule 33 (a) and (b)(1)(Newly-Discovered Evidence) filed by the co-defendants Naresh Pitambar and Steven Riddick.

I will supplement this application in a few days with a more specific recitation of the importance of the testimony of Natasha Singh with respect to the one count of which my client was convicted, and the importance of having been unable to cross-examine her using the impeachment information which was withheld from the defense by the government.

For now, I would simply like to submit that I personally only learned of the existence of the Bartee indictment and Natasha Singh's participation in the trial of that indictment at about the same time that Mr. Kelleher did; he and I reviewed the documents together as they became known to us, all within the time-frame as stated in Mr. Kelleher's Affirmation in Support of the motion. Specifically, I received a message from Martin Stollar while I was on trial in another case in Newark in September, 2007, and I learned the substance of what he was calling about from Mr. Kelleher (and not from Mr. Stollar, with whom I did not speak). On October 2, 2007, when Mr. Kelleher happened to be in my office suite, he and I reviewed the available material concerning the Bartee trial and we reviewed passages from the transcript of the trial in our own case. Thereafter Mr. Kelleher, Mr. Hoss, and I exchanged some information by email and telephone conversations as we attempted to weigh the significance of the newly-acquired knowledge of Ms. Singh's testimony in the Bartee trial.

I join in all of the legal arguments made by my co-counsel in the legal Memoranda submitted in support of the Rule 33 motions.

Thank you.

Sincerely,

/s/ Thomas H. Nooter
Thomas H. Nooter
Attorney for Defendant

cc: AUSA Danya Perry and Dan Levy, by ECF
All counsel by ECF